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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/835,649	BAUM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Toan D. Nguyen	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/02/06.
2. ☒ The allowed claim(s) is/are 9-17, 25-38 and 48-57 are renumbered 1-33, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10/2/06</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>6/13/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____.  |

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph R. Palmieri on 10/02/06.

2. The application has been amended as follow:

**IN THE CLAIMS:**

In claim 9 line 3, the limitation "the central content server" has been replaced by - -- a central content server ---.

In claim 9 line 3, the limitation "the at least" has been replaced by --- an at least --  
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In claim 9 line 19, the limitation "at the data switch" has been replaced by --- at a data switch ---.

In claim 25 line 20, the limitation "storing content data" has been replaced by --- storing the content data ---.

In claim 50 line 23, the limitation "for content distribution" has been replaced by --  
- for the content distribution ---.

In claim 53 line 24, the limitation "of content data" has been replaced by --- of the content data ---.

In claim 53 line 26, the limitation "a type of the local area network protocol" has been replaced by --- a type of a local area network protocol ---.

Claims 39-45 have been cancelled.

***Allowable Subject Matter***

3. Claim 9-17, 25-38, and 48-57 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding to claim 9, the prior art fails to teach a combination of the steps of:  
provisioning a logical communication circuit extending from the at least one end user terminal through the network to a communication access node coupled to a first network domain, at least a portion of the logical communication circuit extending through the common link, wherein the provisioning comprises defining the logical communication circuit in terms of a layer-2 protocol defined switched connectivity through the network, in the specific combination as recite in claim 9.

Regarding to claim 25, the prior art fails to teach a combination of the steps of:  
a logical communication circuit for content distribution between the central content server and the local content server provisioned through the access switch and the high-speed data link, the provisioning of the logical communication circuit for content distribution enabling communication of the content data between the communication access node and the access switch over bandwidth unused by traffic on the layer-2 protocol logical communication circuits, in the specific combination as recite in claim 25.

Regarding to claim 48, the prior art fails to teach a combination of the steps of:

receiving second downstream transmissions intended for the at least one end user terminal from the second network domain at the data switch, content data from the at least one local content server; and

inserting the second downstream transmissions into the logical communication circuit, to combine the first and second downstream transmission for communication over the logical communication circuit from the data switch to the at least one end user terminal, in the specific combination as recite in claim 48.

Regarding to claim 50, the prior art fails to teach a combination of the steps of:

a logical communication circuit for content distribution between the central content server and the local content server provisioned through the access switch and the high-speed data link, the provisioning of the logical communication circuit for content distribution enabling communication of content data between the communication access node and the access switch over bandwidth unused by traffic on the layer-2 protocol logical communication circuits;

receiving second downstream transmissions intended for the one customer premises from the second network domain, wherein the content stored on the local content server is transmitted to the one customer premises over at least some of the second downstream transmission; and

insert the second downstream transmissions into the respective logical communication circuit, to combine the first and second downstream transmissions for transport via one of the digital subscriber line transceivers which serves the one customer premises, in the specific combination as recite in claim 50.

Regarding to claim 53, the prior art fails to teach a combination of the steps of:  
a logical communication circuit for content distribution between the central content server and the local content server provisioned through the access switch and the high-speed data link, the provisioning of the logical communication circuit for content distribution enabling communication of content data between the communication access node and the access switch over bandwidth unused by traffic on the layer-2 protocol logical communication circuits, wherein the first transmission type comprises a type of the local area network protocol adapted for internetwork service provider applications, in the specific combination as recite in claim 53.

Regarding to claim 55, the prior art fails to teach a combination of the steps of:  
a logical communication circuit for content distribution between the central content server and the local content server provisioned through the access switch and the high-speed data link, the provisioning of the logical communication circuit for the content distribution enabling communication of the content data between the communication access node and the access switch over bandwidth unused by traffic on the layer-2 protocol logical communication circuits, wherein each provisioning of the logical communication circuit for the content distribution assigns unspecified bit rate service thereto with an associated minimum service guarantee, in the specific combination as recite in claim 55.

Regarding to claim 56, the prior art fails to teach a combination of the steps of :  
a logical circuit between the central content server and the local content server for transport of content data between the servers, wherein provisioning associated with

the logical circuit in the hub data switch or in the access switch allocates otherwise available bandwidth to the logical circuit within the high-speed data link between the access switch and the hub data switch when not otherwise used by customer traffic, wherein the logical circuit comprises

at least one Asynchronous Transfer Mode (ATM) permanent virtual circuit (PVC), wherein the at least one ATM PVC is provisioned to provide a guaranteed minimum bandwidth in combination with unspecified bit rate service for the logical circuit within the high-speed data link, in the specific combination as recite in claim 56.

Regarding to claim 57, the prior art fails to teach a combination of the steps of a logical circuit between the central content server and the local content server for transport of content data between the servers, wherein provisioning associated with the logical circuit in the hub data switch or in the access switch allocates otherwise available bandwidth to the logical circuit within the high-speed data link between the access switch and the hub data switch when not otherwise used by customer traffic;

the access switch extracts each detected transmission of a type other than the first transmission type from the respective logical communication circuit for routing to the vertical services network, in the specific combination as recite in claim 57.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

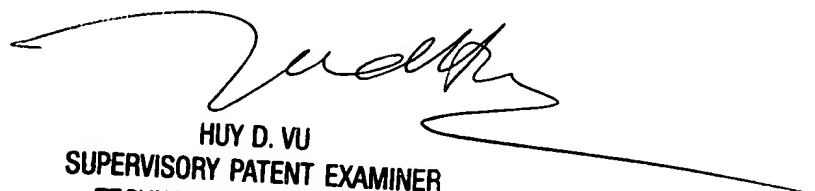
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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